

**Introduced by Senator Florez**

January 19, 2010

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An act to add Section 12301.26 to the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 886, as amended, Florez. In-home supportive services providers: electronic timekeeping.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Counties are responsible for administering the program.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified low-income persons, including specified in-home services. Under existing law, IHSS recipients who are eligible for the Medi-Cal program, are provided with personal care option services, as defined, in lieu of receiving these services under the IHSS program.

Under existing law, the State Department of Social Services is required, in consultation and coordination with county welfare departments, to establish and implement statewide hourly task guidelines and instructions to provide counties with a standard tool for consistently

and accurately assessing service needs and authorizing service hours to meet those needs.

This bill would authorize the providers of specified in-home services to use electronic timekeeping, as defined, for purposes of verifying tasks *hours* completed and ensuring quality home care for in-home recipients, as defined.

This bill would provide that, if any part of this bill conflicts with federal requirements prescribing conditions for the allocation of federal funds to the state, the conflicting part shall not be implemented, solely to the extent of the conflict.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12301.26 is added to the Welfare and  
2 Institutions Code, to read:

3 12301.26. (a) For purposes of this section, the following terms  
4 shall have the following meanings:

5 (1) ~~“Electronic” means a telephone-based tool with the ability~~  
6 ~~to verify the location of service through automatic number~~  
7 ~~identification, identify the employee through the use of speaker~~  
8 ~~verification, and capture tasks via interactive voice response or~~  
9 ~~automatic data transmission.~~

10 (2) ~~“Electronic timekeeping” means an electronic and verifiable~~  
11 ~~method of identifying an employee, recording that employee’s~~  
12 ~~presence in the recipient’s home at the beginning and end of the~~  
13 ~~employee’s recipient visit workday, and recording accurately the~~  
14 ~~tasks performed by that employee during that recipient visit~~  
15 ~~workday.~~

16 (1) *“Electronic” means a telephone-based interactive voice*  
17 *response or web-based interactive technology with the ability to*  
18 *allow users to interface directly with case management systems*  
19 *using telephone or the Internet.*

20 (2) *“Electronic timekeeping” means an electronic and verifiable*  
21 *method for providers to input their payroll timesheets directly,*  
22 *using a telephone-based interactive voice response or web-based*  
23 *technology that both identifies a provider and accurately records*  
24 *the timekeeping of that provider for the recipient’s visit.*

1 (3) “Recipient” means a person who has been deemed eligible  
2 to receive in-home supportive services pursuant to this article,  
3 personal care services pursuant to Section 14132.95, home medical  
4 care services pursuant to subdivision (s) of Section 14132, or other  
5 home- and community-based Medi-Cal program services for which  
6 a waiver has been granted pursuant to subdivision (t) of Section  
7 14132.

8 (b) A provider of services described in paragraph (3) of  
9 subdivision (a) may use electronic timekeeping for purposes of  
10 verifying ~~tasks~~ *hours* completed and ensuring quality home care  
11 for in-home recipients.

12 (c) If any part of this section is found to conflict with federal  
13 requirements prescribing conditions for the allocation of federal  
14 funds to the state, the conflicting part shall not be implemented,  
15 solely to the extent of the conflict. Any regulation adopted pursuant  
16 to this section shall be consistent with federal requirements  
17 prescribing conditions for the receipt of federal funds by the state.